

## **New Models for Environmental Protection Track**

### **Making the Federal-State Partnership Work Workshop**

## **Oregon Green Permits Program**

The Oregon Department of Environmental Quality (DEQ) has developed a voluntary, incentive-based program to reward facilities that go beyond compliance and achieve environmental performance that is significantly better than otherwise required by law. The 1997 Oregon Legislature authorized DEQ to issue Green Permits that may waive regulatory requirements for facilities that adopt innovative approaches and achieve superior performance.

### **Program Description**

A Green Permit modifies regulatory requirements after a facility has demonstrated that it can meet certain requirements. Rules adopted in 1999 require demonstration of superior environmental performance, public reporting and ongoing communication with interested stakeholders to assure ongoing environmental improvement. A "tiered" approach offers different types of Green Permits, in which increasing performance received increasing benefits.

"Green Environmental Management System Permits", or GEMS Permits, require the implementation of a formal environmental management system to achieve results. Three types of GEMS permits may be issued, ranging from entry level to advanced, to allow a wide range of participants in the program. Benefits include public recognition; regulatory efficiencies through consolidated reporting, flexible permits, and other waivers requested by the facility; and enforcement discretion that focuses on the environmental management system to continually improve performance.

"Custom Waiver Permits" allow limited waivers of regulatory requirements if the waiver is needed to help the facility perform significantly better than otherwise required. Custom Waiver Permits do not require an environmental management system, but they do require annual performance reports and ongoing stakeholder involvement.

### **Program Status**

DEQ's Green Permits Guidance Manual explains the mechanisms of the Green Permits program. Two GEMS Achiever Permits (the middle tier) have been issued to date, three more applications are pending review, and one additional facility has recently applied to the program. More than a dozen additional facilities have expressed serious interest in the program.

The program is funded through cost recovery, where potential applicants submit a \$5000 deposit with their Green Permit application. During the permit application process, the agency estimates a budget and may require additional cost recovery funds to cover agency expenses in reviewing, developing, administering and monitoring the Green Permit.

### **Program Results**

One of the key principles behind the Green Permits program is that environmental performance will improve. The program overall addresses a wider range of environmental impacts than those currently regulated under Oregon laws, and will result in a cleaner environment. The benefits to the facility include regulatory incentives, a partnership approach to environmental management, and public recognition of their environmental performance. The benefits to the public include better information about a facility's environmental issues and performance, and opportunities to constructively discuss the facility's performance. The benefits to the agency include broader adoption of formal environmental management systems among regulated facilities throughout the state, ensuring a reliable process to facilitate continual improvement of the facility's environmental program.

### **Lessons Learned: Key Factors in the Success of the Program**

**Broad input:** The program began with focus groups in 1995, involving hundreds of people throughout the development and implementation of the program. Outreach methods included frequent mailings, meetings and other conversations. Potential participants, non-governmental organizations, agency staff,

## **New Models for Environmental Protection Track**

### **Making the Federal-State Partnership Work Workshop**

EPA staff, and other interested persons were invited to participate at all phases of the program. Frequent communication is essential to success.

Collaboration: DEQ has established a close working relationship with EPA that implements the program through a problem-solving approach. A formal Memorandum of Agreement clearly defines the roles and responsibilities of the agencies. These partnerships, along with a broad cross-media approach, effect a culture change that focuses on outcomes rather than administrative details.

Teamwork: DEQ and EPA have assigned cross-media teams to work with the applicants and develop a holistic approach to the facility's environmental performance. Key staff have been appointed as "single points of contact" to facilitate dialogue among the players.

Legislation: Authorizing legislation, resources to establish the Green Permits program, and cost recovery from participating facilities, helped to gain acceptance of the program among agency management, and helped to define an efficient process for applicants.

Balance of Certainty and Flexibility: The program elements have enough detail to assure participants of some degree of certainty, thereby lowering transaction costs, while allowing for flexibility in individual circumstances.

#### **For more information, contact:**

Marianne Fitzgerald  
Green Permits Program Coordinator  
Oregon Department of Environmental Quality  
811 SW 6<sup>th</sup> Avenue, Portland, OR 97204  
Email: [fitzgerald.marianne@deq.state.or.us](mailto:fitzgerald.marianne@deq.state.or.us)  
Phone: 503/229-5946  
Fax: 503/229-5850  
<http://www.deq.state.or.us/programs/greenpermits>

## **New Models for Environmental Protection Track**

### **Making the Federal-State Partnership Work Workshop**

#### **State Of Virginia's Innovations**

The Virginia Department of Environmental Quality (VADEQ) has developed a number of pilot projects and program initiatives to advance environmental protection and enhancement. VADEQ has established an Environmental Excellence Program (Environmental Management Systems based program) based on performance regulation (regulation flexibility) coordinated through a Memorandum of Agreement with EPA Region III based on the ECOS Innovation Memorandum of Agreement. In support of innovations, some of the VADEQ projects developed include: providing compliance assistance with enforcement discretion through the RCRA compliance/enforcement program; pollution prevention permitting models in air and water programs; supplemental environmental projects (enforcement); revolving loan construction incentives for water quality treatment improvements; and measuring performance for pollution prevention in VADEQ activities.